

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	William J. Sequeira	Issued:	February 16, 2010
Patent No.:	7,665,117	Filing Date:	November 29, 2000
Application No.:	09/725,792	Confirmation No.	3061
For:	SYSTEM AND METHOD FOR A MASTER SCHEDULER		

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. §1.78(a)(3)**

Applicant hereby advises the Office that Applicant failed to file a timely and proper claim of priority under 35 U.S.C. §§ 119(e), 120, 121 or 365(c) within the later of four months from the filing date of the later filed application or sixteen months from the filing date of the prior-filed application. Applicant clearly indicated the priority claim on the Patent Application Transmittal, filed on November 29, 2000. The Office recognized the priority claim throughout prosecution of the application, as evidenced by the Bibliographic Data Sheets dated November 29, 2000, and September 21, 2009. Furthermore, the declaration filed in the application on November 29, 2000, is a copy of the declaration filed in the parent application on August 21, 1998. However, Applicant failed to file an amendment to the specification to contain a reference to the priority claim in the first sentence following the title. The entire delay between the date the claim for priority was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Accordingly, Applicant hereby petitions that the office accept the delayed claim for priority.

Accompanying this petition are:

- ☒ A proposed Certificate of Correction directing entry of the claim for priority into the specification of the above-identified application, and onto the face sheet of the patent issued therefrom as US Patent No. 7,667,117, issued February 16, 2010;
- ☒ A copy of the Patent Application Transmittal filed November 29, 2000, clearly indicating the priority claim;
- ☒ Copies of the Bibliographic Data Sheets dated November 29, 2000, and September 21, 2009, clearly indicating that the Office recognized the priority claim throughout prosecution of the application;
- ☒ A copy of the declaration signed August 20, 1998, and submitted in the present application on November 29, 2000, which is a copy of the declaration that was filed in the parent application on August 21, 1998; and
- ☒ A fee of \$1410.00 as set forth under 37 CFR 1.17(t).

As noted above, a fee of \$1,410.00 is being filed concurrently herewith. No other fees are believed to be due in connection with the filing of this petition; however, the commissioner is hereby authorized to deduct any necessary fees in connection with this petition from Deposit Account **50-1662**, referencing the docket number above.

Respectfully submitted,

Date: February 29, 2012

By: /Ari M. Bai/
Ari M. Bai, Reg. No.: 38,726
Polsinelli Shughart, PC
One East Washington Street
Phoenix, Arizona 85004
Direct telephone: 602-650-2061
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Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. 7,665,117
APPLICATION NO. 09/725,792
ISSUE DATE February 16, 2010
INVENTOR(S) William J. Sequeira

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page

Insert

--Item (63) Related U.S. Application Data

Division of application No. 09/137,618, filed August 21, 1998. --

Column 1, line 3, insert

--CROSS REFERENCE TO RELATED APPLICATIONS

This application is a division of and claims priority to U.S. Application No. 09/137,618, filed August 21, 1998, which issued as U.S. Patent No. 6,222,530 on April 4, 2001.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

11.30.00

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01/29/01

Page 1 of 2

PATENT APPLICATION
TRANSMITTAL

Atty Docket No.: 3063/38B

Total Pages:

First Inventor or Application Identifier: SEQUEIRA

Express Mail Label No.: EL595664678US

BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: Applicant(s) or Identifier: William J. SEQUEIRA
 Serial No. : To be Assigned
 Filed : Concurrently Herewith
 Title : SYSTEM AND METHOD FOR A
 MASTER SCHEDULER

Kindly file the annexed papers indicated below:

- ☒ Application for Patent including Specification (56 pages) and Drawings (39 sheets)
☒ Oath or Declaration (2 pages) (Revocation of Power of Attorney)
 ☒ Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional)
 ☐ Deletion Of Inventor(s) -- Signed statement attached deleting
 inventor(s) named in prior application. (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
☐ Declaration(s) Claiming Small Entity Status
 ☐ Statement filed in prior application; Status still proper and desired
☒ Information Disclosure Statement and copies of reference(s)
☒ Preliminary Amendment
☒ Return Receipt Postcard
☐ Other:

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

- ☐ Continuation
☒ Divisional
☐ Continuation-in-Part

of prior application serial no. 09/137,618

Prior application information: Examiner: Sam Huang
 Group / Art Unit: 2711

For CONTINUATION OR DIVISIONAL APPLS only: The entire disclosure of the prior application, from which an oath or declaration is supplied is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

The PTO did not receive the following
listed item(s) check for

\$1,190.00

3692 P. 8 PTO

09/25/92

11/23/00

PATENT APPLICATION TRANSMITTAL

Page 2 of 2

Atty Docket No.: 3063/38B

The filing fee has been calculated as follows:

	Claims*	Claims Paid for	Extra	Rate (Sm. Ent.)	Fee	Rate	Fee
BASIC FILING FEE				\$ 355	\$	\$ 710	\$710
Total	16	- 20 =		x \$9	\$	x \$18	\$
Indep.	9	- 3 =	6	x \$40	\$	x \$80	\$480
MULTIPLE DEPENDENT CLAIM PRESENT				+ \$130	\$	+ \$260	\$
				TOTAL	\$		\$1,190

* As amended in enclosed Preliminary Amendment, if any.

☒ A check in the amount of \$1,190.00 is enclosed.

☐ The Commissioner is hereby authorized to charge the fee of \$.00 to the undersigned attorney's Deposit Account No. 02-4270.

Please direct all correspondence to the following address:

Brown Raysman Millstein Felder & Steiner LLP
120 West Forty-Fifth Street
New York, New York 10036
(212) 944-1515

The Commissioner is hereby authorized to charge any deficiency in the fee or credit any overpayment to the undersigned attorney's Deposit Account No. 02-4270.

Respectfully submitted,

Dated: 11/29/00

By: Katrine A. Levin

Katrine A. Levin
Registration No. 41,491
Brown Raysman Millstein Felder & Steiner LLP
Attorney for Applicants
120 West Forty-Fifth Street
New York, New York 10036
Phone: (212) 944-1515 Fax: (212) 840-2429

Bibliograph Data Sheet dated November 29, 2000, from PAIR



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov


Bib Data Sheet

CONFIRMATION NO. 3061

SERIAL NUMBER 09/725,792	FILING DATE 11/29/2000 RULE	CLASS 345	GROUP ART UNIT 2711	ATTORNEY DOCKET NO. 3063/388												
APPLICANTS William J. Sequeira, Oakland, CA; ** CONTINUING DATA ***** THIS APPLICATION IS A DIV OF 09/137,618 08/21/1998 ** FOREIGN APPLICATIONS *****																
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 12/15/2000																
Foreign Priority claimed <input checked="" type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY CA	SHEETS DRAWING 39	TOTAL CLAIMS 14												
				INDEPENDENT CLAIMS 8												
ADDRESS Brown Raysman Millstein Felder & Steiner LLP 120 West Forty-Fifth Street New York, NY 10036																
TITLE System and method for a master scheduler																
FILING FEE RECEIVED 1190	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<table border="1"> <tr><td><input type="checkbox"/></td><td>All Fees</td></tr> <tr><td><input type="checkbox"/></td><td>1.16 Fees (Filing)</td></tr> <tr><td><input type="checkbox"/></td><td>1.17 Fees (Processing Ext. of time)</td></tr> <tr><td><input type="checkbox"/></td><td>1.18 Fees (Issue)</td></tr> <tr><td><input type="checkbox"/></td><td>Other _____</td></tr> <tr><td><input type="checkbox"/></td><td>Credit</td></tr> </table>		<input type="checkbox"/>	All Fees	<input type="checkbox"/>	1.16 Fees (Filing)	<input type="checkbox"/>	1.17 Fees (Processing Ext. of time)	<input type="checkbox"/>	1.18 Fees (Issue)	<input type="checkbox"/>	Other _____	<input type="checkbox"/>	Credit
<input type="checkbox"/>	All Fees															
<input type="checkbox"/>	1.16 Fees (Filing)															
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<input type="checkbox"/>	1.18 Fees (Issue)															
<input type="checkbox"/>	Other _____															
<input type="checkbox"/>	Credit															



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22311-1459
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BIB DATA SHEET

CONFIRMATION NO. 3061

SERIAL NUMBER 09/725,792	FILING or 371(c) DATE 11/29/2000 RULE	CLASS 725	GROUP ART UNIT 2421	ATTORNEY DOCKET NO. 600253-031	
APPLICANTS William J. Sequeira, Oakland, CA; ** CONTINUING DATA ***** This application is a DIV of 09/137,618 08/21/1998 PAT 6,222,530 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 12/15/2000					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No US USC 119(a)-(d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verifies and <input type="checkbox"/> Meets after Allowance Acknowledges <input type="checkbox"/> DOMINIC D. GALARELLI Commissioner's Signature <input type="checkbox"/> Initials		STATE OR COUNTRY CA	SHEETS DRAWINGS 39	TOTAL CLAIMS 7	INDEPENDENT CLAIMS 2
ADDRESS POLSINELLI SHUGHART PC 700 W. 47TH STREET SUITE 1000 KANSAS CITY, MO 64112-1802 UNITED STATES					
TITLE System and method for a master scheduler					
FILING FEE RECEIVED 1190	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

APPLICATION FOR UNITED STATES LETTERS PATENT DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR A MASTER SCHEDULER

the specification of which:

(check one) ☒ is attached hereto
 ☐ was filed on _____ as Application Serial No. _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE (DAY-MONTH-YEAR)	PRIORITY CLAIMED UNDER 35 USC § 119
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title § 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

And I hereby appoint:

John E. Kidd, Reg. No. 19,916; Margaret B. Kelley, Reg. No. 29,181; Philip E. Roux, Reg. No. 31,295; C. Joseph Laughon, II, Reg. No. 31,389; Leora Ben-Ami, Reg. No. 32,455; Robert D. Schaffer, Reg. No. 33,775; Michael M. O'Shea, Reg. No. 35,631; William C. Hwang, Reg. No. 36,169; Gerard P. Norton, Reg. No. 36,621; John T. Johnson, Reg. No. 37,363; Gregory P. Silberman, Reg. No. 39,836; Frank Cimino, Reg. No. 39,945; Timothy J. Douros, Reg. No. P41,716; William D. DeVault, Reg. No. P42,483; Frank J. Nuzzi, Reg. No. P42,944, all of the firm of Rogers & Wells LLP, 200 Park Avenue, New York, New York 10166-0153,

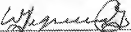
as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Send all correspondence to:

William C. Hwang, Esq.
Rogers & Wells LLP
200 Park Avenue
New York, NY 10166-0153
Tel: (212) 878-8564
Fax: (212) 878-8375

I hereby certify that all statements made of my knowledge is true and that all statements made on information and belief is believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made is punishable by fine or imprisonment, or both, under Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney and this petition.

Full name of inventor: William J. Sequeira
Inventor's Signature: 
Residence: Oakland, California
Citizenship: Costa Rica
Post Office Address: 4248 Balfour Avenue
Oakland, CA 94610

Date: 8/20/98